

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO: 3:15-cv-176**

Antonio Stukes,

Plaintiff,

v.

**Debra Antney, *individually* and as
Owner/Member/Manager/CEO of Mizay
Entertainment Inc.; Mizay Music Group LLC;
Be100 America, LLC; Be100 Radio LLC;
Daganda Entertainment LLC; Mizay Publishing
LLC; and Mizay Management LLC,**

Mizay Entertainment Inc.,

Mizay Music Group LLC,

Be100 America, LLC,

Be100 Radio LLC,

Daganda Entertainment LLC,

Mizay Publishing LLC,

and

Mizay Management LLC,

Defendants.

**MOTION TO COMPEL DISCOVERY IN
AID OF EXECUTION**

NOW COMES Plaintiff, by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 37 respectfully moves the Court for an Order compelling discovery and appropriate financial sanctions, at the discretion of the Court. In support of such Motion, the Plaintiff respectfully shows unto the Court as follows:

1. Pursuant to Fed. R. Civ. P. 33 and 69, Plaintiff served Defendant Debra Antney with Plaintiff's First Interrogatories and Request for Production of Documents In Aid of Execution on October 22, 2015.

2. On November 30, 2015, Plaintiff granted Defendant Antney a thirty day extension of time in order to respond to discovery.

3. When discovery responses were not received after thirty days, Plaintiff made multiple requests for updates and requests to confer, including, but not limited to, on December 29, 2015, January 7, 2016, and April 4, 2016.

4. As of the date of this filing, Defendant Antney has not responded to Plaintiff's First Interrogatories and Request for Production of Documents in Aid of Execution. Further, no updates regarding the discovery responses have been received since January 12, 2016.

5. Plaintiff is requesting that the Court enter an order compelling Defendant Antney to respond to Plaintiff's First Interrogatories and Request for Production of Documents within ten days, and further instructing Defendant Antney to produce new and useful information with said responses. Additionally, Plaintiff requests that the court levy appropriate financial sanctions, including attorney fees and costs, such that the court finds proper, to be paid within ten days.

6. In support of this request, Plaintiff relies upon the record in this case, the accompanying Memorandum in Support, and the exhibits attached to the Memorandum.

WHEREFORE, the Plaintiff respectfully prays the Court to enter an Order as following:

1. That Defendant Antney is compelled to respond to Plaintiff's First Set of Interrogatories and Request for Production of Documents within ten (10) days;

2. That Defendant Antney is compelled to produce new and useful information in the responses to Plaintiff's First Set of Interrogatories and Request for Production of Documents;

3. That Defendant Antney's objections to discovery are waived for failure to respond in a timely fashion, pursuant to Fed. R. Civ. P 33(b)(4);

4. For sanctions, including costs and attorneys' fees, in an amount deemed appropriate by the Court, due within ten (10) days.

THIS THE 12TH DAY OF MAY, 2016.

SEIFERFLATOW, PLLC

By: S/ MATHEW E. FLATOW
MATHEW E. FLATOW
NC State Bar No. 35282

By: S/ ADAM M. SEIFER
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PLAINTIFF'S MOTION TO COMPEL DISCOVERY IN AID OF EXECUTION** was electronically filed on 12 May 2016 with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel for Defendants.

THIS THE 12TH DAY OF MAY, 2016.

SEIFERFLATOW, PLLC

By: S/ MATHEW E. FLATOW